

### REVOCATION OF POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, OTILIA S. JENSEN, also known as OTILIA JENSEN born January 11, 1912, whose social security number is 446-14-8008, of 17149 Wagner St., Milford, VA 22514 in the County of Caroline, Virginia, individually and as manager of EDGE REALTY, L.C., in and by various written powers of attorney, dated prior to the date hereof, did make and appoint ARCHIE LEE ROBERTS of Spotsylvania County, Virginia who is, or was, President of A. L. ROBERTS HOME IMPROVEMENTS INC. located at 6232 Massaponax Church Road, Fredericksburg, VA of 22407 as my lawful attorney-in-fact and for business involving EDGE REALTY L.C. (FID#54-1720148) for the purposes and with the powers therein set forth.

NOTICE is hereby given that I, OTILIA S. JENSEN, by these presents, have revoked and do hereby revoke, terminate, and rescind any and all powers of attorney, and all power and authority thereby given, or intended to be given, to ARCHIE LEE ROBERTS, both as my personal power of attorney or as regarding Edge Realty, L.C.

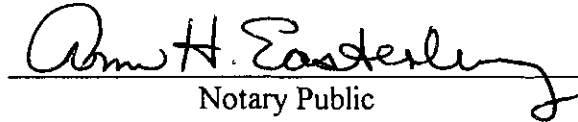
WITNESS my signature and seal this 5th day of May, 1999.

  
OTILIA S. JENSEN

Prepared by and Return to:  
Robert B. Easterling  
Attorney at Law  
2217 Princess Anne Street, Suite 100-2  
Fredericksburg, VA 22401

STATE OF VIRGINIA  
CITY OF FREDERICKSBURG, to-wit:

I certify that the foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May,  
1999, by Otilia S. Jensen.

  
Notary Public

My Commission Expires; 2/28/2001

**EDGE REALTY, L.C.**  
**NOTICE OF RESIGNATION OF OTILIA S. JENSEN, MANAGER**

TO: All members of Edge Realty, L.C., a Virginia limited liability company  
Earl H. Jensen Trust  
Robert Jensen  
Nancy Jensen  
Peter Charles Jensen  
John Ryan Jensen  
Jason Jensen  
Christopher Michael Jensen  
Lisa Kay Jensen  
Ed Roberts  
Mary Ann Roberts

Otilia S. Jensen, manager, hereby gives notice of revocation of all delegations to other persons of the manager's rights and powers to manage and control the business and affairs of Edge Realty, L.C., including any and all delegations to agents, officers, and employees of a member or manager of the limited liability company, and delegations made by any management agreement or other agreement with, or otherwise to, other persons, specifically including all delegations of such authority to Archie L. Roberts or Archie L. Roberts Home Improvement Company, or either of them.

Otilia S. Jensen hereby gives notice of her resignation as a manager in Edge Realty, L.C., a Virginia limited liability company.

Earl H. Jensen is deceased, and Otilia S. Jensen has hereby resigned as manager of Edge Realty, L.C. Pursuant to paragraph 7 of the Operating Agreement of Edge Realty, L.C., at such time as both Earl H. Jensen and Otilia S. Jensen have died, resigned, or become disabled, all actions which require the consent of the managers, set forth in the Agreement, shall require a majority in interest of the members' interests.

Otilia S. Jensen esteems it to be in her best interest and that of Edge Realty, L.C. to file an involuntary petition in bankruptcy against Edge Realty, L.C. in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division. Otilia S. Jensen, individually, and as trustee of the Earl H. Jensen Trust, holds a majority in interest of the membership interests in Edge Realty, L.C. As holder of a majority in interest of the membership interests, Otilia S. Jensen hereby authorizes and directs Jason Earl Jensen to execute and deliver all documents necessary with regard to the actions necessary to be performed by Edge Realty, L.C. in regard to the aforesaid involuntary petition in bankruptcy to be filed against Edge Realty, L.C.; and

Jason Earl Jensen is authorized and directed to appear in all bankruptcy proceedings on behalf of Edge Realty, L.C., and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of Edge Realty, L.C. in connection with such bankruptcy case.

Executed on: June 16, 1999

Otilia S. Jensen  
OTILIA S. JENSEN, INDIVIDUALLY

EARL H. JENSEN TRUST

BY: Otilia S. Jensen  
OTILIA S. JENSEN, TRUSTEE

**CERTIFICATE OF MAILING**

I hereby certify that a true copy of the foregoing Edge Realty, L.C. Notice of Revocation of Delegation and Resignation of Otilia S. Jensen, Manager was sent via first-class mail, postage prepaid, this 21<sup>st</sup> day of June, 1999, to the following addresses:

Earl H. Jensen Trust  
c/o Otilia S. Jensen  
P.O. Box 57  
Milford, VA 22514

Jason Jensen  
635 Page Dr.  
Hampton, VA 23669

Robert Jensen  
1204 SW 132nd St.  
Oklahoma City, OK 73170

Christopher Michael Jensen  
2001 Sommerville Dr.  
Hampton, VA 23663

Nancy Jensen  
1204 SW 132nd St.  
Oklahoma City, OK 73170


Lisa Kay Jensen  
P.O. Box 293  
Norman, OK 73070

Peter Charles Jensen  
P.O. Box 57  
Milford, VA 22514

Ed Roberts  
P.O. Box 443  
Bowling Green, VA 22427

John Ryan Jensen  
13220 S. 48th St. Apt. 2047  
Phoenix, AZ 85044

Mary Ann Roberts  
P.O. Box 443  
Bowling Green, VA 22427

  
Robert B. Easterling

(Proving the fraud + cont  
be discharged 11 USC 523)

The fraud (Archie Roberts)

The story in its

entirety.

~~Important!!!~~

Please

Read

and take notes

2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(H).

Parties:

3. Plaintiff Sherman B. Lubman was appointed as trustee of the debtor on August 16, 1999, and is duly qualified and presently acting as trustee.
4. Defendant Edge Realty, L.C. ("debtor") is a Virginia Limited Liability Company formed by Earl H. Jensen (deceased) and Otilia S. Jensen on or about July 15, 1994 and is the debtor in this case.
5. Otilia S. Jensen ("Jensen") is an individual who resides at \_\_\_\_\_, and is the petitioner in this case.
6. Archie L. Roberts ("Roberts") is an individual and the former attorney in fact for Otilia S. Jensen, in her capacity as manager of the debtor. Roberts' last known residence was 6232 Massaponax Church Road, Fredericksburg (Spottsylvania County), Virginia.
7. Crown Manor, Inc. is a Virginia Corporation.
8. Ernest L. Hazelwood, Jr. is an individual who resides at 10660 Cherokee Road, Richmond, Virginia 23225.
9. To the extent that the claims herein arise pursuant to Bankruptcy Code §544(b), plaintiff is asserting the rights of the following creditors with unsecured claims allowable in the bankruptcy case, which were creditors at the time of the complained of transactions: Commonwealth of Virginia Department of Taxation, Internal Revenue Service, Christopher M. Jensen, Earl H. Jensen Trust, Jason Jensen, John R. Jensen, Lisa K. Jensen, Mary A. Roberts, Nancy Jensen, Otilia S. Jensen, Peter C. Jensen, and Robert Jensen.

FACTS:

10. Otilia S. Jensen is the petitioner in this involuntary case. She was, at all relevant times, manager of the debtor and owned a 44.6% interest in debtor. She is now 87 years of age.
11. The Earl H. Jensen Trust owns a 44.6% interest in debtor, Robert Jensen, Nancy Jensen, Peter Jensen, Jonathan Jensen, Jason Jensen, Christopher Jensen, and Lisa Jensen each owns a 1.2% interest in the debtor, and Mary Ann Roberts owns a 2.4% interest in debtor.
12. Otilia S. Jensen was the wife of Earl H. Jensen, now deceased.
13. By his Revocable Trust Agreement dated July 15, 1994, Earl H. Jensen created a marital trust and a family trust for which Otilia S. Jensen was named as Trustee.
14. The Trust prohibited the Trustee from taking any part in any decision regarding discretionary distributions to such Trustee if such discretion was not subject to an ascertainable standard relating to the Trustee's health, education, maintenance or support.
15. Earl H. Jensen died on or about September 18, 1995. His will was probated in Will Book 57, Page 386, in Caroline County, Virginia Circuit Court.
16. By his Will, Earl H. Jensen left his personal property and residence to his wife, Otilia S. Jensen, and gave the residue of his real and personal property to the Earl H. Jensen Revocable Trust dated July 15, 1994 (the "Earl Jensen Trust"), to be held under the terms of the trust at the time of his death.
17. At the time of his death, Earl H. Jensen owned a 44.6% interest in the debtor, which became vested in the Earl H. Jensen Revocable Trust by operation of his Will.
18. Prior to the death of Earl H. Jensen, he and Otilia S. Jensen had conveyed certain parcels of real property to debtor, said parcels being more specifically identified below.



19. During the last few months of 1996, Otilia S. Jensen ("Jensen") became acquainted with defendant Roberts, and engaged him and his company, Archie L. Roberts Home Improvements, Inc., to perform construction and repair work on some of the real properties owned by the debtor.
20. Jensen, at all times relevant hereto, was of advanced age, and by reason thereof, was incapacitated from conducting her business. Defendant Roberts, knowing of Jensen's advanced age and incapacity and desiring to take advantage thereof for the purpose of defrauding Jensen and the debtor, procured and caused Jensen to execute numerous instruments in writing, in the form of written powers of attorney, management/consultant agreements, and management agreements for debtor, all granting the defendant Roberts the authority to act on Jensen's behalf as her agent and fiduciary.
21. Upon information and belief, on or about March 16, 1998, defendant Roberts met with an attorney, Mr. Paul Simpson, for the purpose of having him draw a Petition for Appointment of Successor Trustee of the Earl H. Jensen Trust ("petition for appointment of successor trustee").
22. The petition for appointment of successor trustee was drawn and filed with the Circuit Court of Caroline County, Virginia, seeking the appointment of Archie L. Roberts as Successor Trustee on the Earl H. Jensen Trust.
23. An Answer to The Petition for Appointment of Successor Trustee was filed by Robert Earl Jensen, son of Otilia S. Jensen, requesting the court to investigate the allegations of the Petition and to inquire into the qualifications and propriety of Archie L. Roberts serving as a Successor Trustee of the Earl Jensen Trust. After the filing of this answer,

the Petition for Appointment of Successor Trustee was withdrawn.

24. Shortly after the Petition for Appointment of Successor Trustee was withdrawn, and unknown to Otilia S. Jensen at all relevant times hereto, Caroline County issued a stop work order on one of the properties owned by the debtor and on which defendant Roberts and his company, A.L. Roberts Home Improvements, Inc. had contracted to do work.
25. Shortly after the Petition for Appointment of Successor Trustee was withdrawn, and unknown to Otilia S. Jensen at all relevant times hereto, A. L. Roberts Home Improvements, Inc. was terminated by the State Corporation Commission.
26. Defendant Roberts, at various times during his dealings with Otilia S. Jensen and in order to effect his fraudulent purpose, falsely represented to Jensen that, as part of his helping her to manage the business of debtor, he needed Jensen to execute various documents giving him authority to act on behalf of the debtor and that he needed Jensen to execute various documents conveying the property of debtor to himself and others.
27. Defendant Roberts represented to Jensen that none of the various conveyances he asked her to execute would exclude Jensen's family members or adversely their ownership interests in the debtor.
28. Defendant Roberts, by virtue of his confidential relationship with Jensen, and under the powers granted to him as an attorney-in-fact, obtained signature authority on the bank accounts of debtor and opened new joint bank accounts for debtor on which he had signature authority.
29. Jensen, being under defendant Roberts' control and influence, believing him to be an honest person, having reposed in him her utmost trust and confidence, and relying on the

aforesaid representations, executed various documents which gave defendant Roberts authority to act on behalf of debtor and Jensen and also executed various deeds conveying property of the debtor to defendant Roberts and others.

30. Jensen, because of her age and disabilities, believed defendant Robert's representations to be true, and relying thereon, granted him the aforesaid authority and signed the aforesaid instruments, acknowledged the same, and delivered them to defendant.

*Six Parcels of Real Estate Transferred December 6, 1998*

31. Having failed in his purpose to have himself appointed as Trustee for the Earl Jensen Trust, no longer able to conduct business under management and consultant agreements between debtor and A.L. Roberts Home Improvements, Inc., and with a stop work order in place from Caroline County, Virginia, defendant Roberts, in order to effect his fraudulent purposes, induced Jensen to convey to him certain real property of the debtor.
32. To wit: Prior to the order for relief, debtor conveyed to defendant Roberts, by quit claim deeds all dated December 6, 1998, six parcels of real estate (the "12/6/98 real estate transfer") as follows:

Short Property Description	Recordation (Date , Deed Book and Page Number, and Location of Recording)
156.8910 acres more or less in Rockhill District (parcel #1) AND 459 Rock Hill Church Road (parcel #2)	12/10/98; LR 980024170; Stafford County, Virginia Circuit Court

7116 Towles Mill Road (parcel #3)	12/10/98; Book 1640, Page 120; Spottsylvania County, Virginia Circuit Court
11.52 AC. B. Green (parcel #4)	12/10/98; book 504 page 370; Caroline County, Virginia Circuit Court
State Route 631(parcel #5)	12/10/98; book 504 page 368; Caroline County, Virginia Circuit Court
Ice House, Milford, Virginia, lot #62, part of #27, & part of #61 located off of state route #722 (parcel #6)	12/10/98; book 504 page 366; Caroline County, Virginia Circuit Court

33. A copy of said deeds are attached hereto, marked as Exhibits "A-E" and made a part hereof.
34. The quitclaim deeds in connection with the 12/6/98 real estate transfer were all executed by Otilia S. Jensen on December 9, 1998. Typed beneath the signature line of each quitclaim deed is "Edge Realty, L.C./Otilia Jensen."
35. The 12/6/98 real estate transfer was in breach of the Revocable Trust Agreement dated July 15, 1994, creating the Earl H. Jensen Trust, a 44.6% owner of debtor.
36. At the time of the 12/6/98 real estate transfer, said real estate was unencumbered and had a value of more than one million, six hundred thousand and 00/100 dollars (\$1,600,000.00).
37. Upon information and belief, at the time of the conveyance of the real estate involved in the 12/6/98 real estate transfer, said real property was debtor's sole remaining asset.
38. No consideration whatsoever passed from defendant Roberts to debtor in exchange for the

real estate conveyed by debtor to defendant Roberts.

39. Defendant Roberts, on or about April 27, 1999, by special warranty deed, conveyed a portion of the 156.8910 acre Rock Hill District parcel in Stafford County, Virginia to defendant Crown Manor, Inc., (the "Crown Manor real estate transfer") with said deed being recorded in the Stafford County, Virginia Circuit Court Clerk's Office on or about April 28, 1999 at LR 990008932.
40. A copy of said deed is attached hereto, marked as Exhibit F, and incorporated herein by reference.
41. Upon information and belief, the consideration for the Crown Manor real estate transfer was \$405,000.00.
42. Upon information and belief, Crown Manor is owned in part and operated by E. Bragg Clark, III ("Clark").
43. Upon information and belief, Clark had, prior to December 6, 1998, approached Jensen and offered to purchase a portion of the 156.8910 acre Rock Hill District parcel for an amount greater than what Crown Manor paid defendant Roberts in exchange for the April 28, 1999 conveyance of that same property.
44. Upon information and belief, Jensen had rejected Clark's offer of purchase as inadequate.

*Checks and Withdrawals of Cash*

45. Between 1997 and 1999, defendant Roberts, in his capacity as attorney in fact for debtor, wrote checks off the debtor's bank accounts to himself and his company, A.L.Home Improvements, to others to purchase vehicles which he had titled in his own name, and

otherwise withdrew monies for his personal use and benefit from those accounts totaling over three hundred thousand and 00/100 dollars (\$300,000.00) (the "bank transfers").

46. Defendant Roberts has failed or refused to give any accounting to debtor of the bank transfers.
47. Upon information and belief, the monies paid to defendant Roberts and to others for defendant Roberts' personal use and benefit from debtor's bank accounts was far in excess of the value of any work defendant Roberts may have performed for debtor.

*Real Estate Transferred November 19, 1997*

48. Prior to the order for relief, debtor conveyed to defendant Hazelwood, by general warranty deed, certain real estate (the "11/19/97 real estate transfer") as follows:

Short Property Description	Recordation (Date , Deed Book and Page Number, and Location of Recording)
Near the intersection of U.S. Route 17 and State Route 698	11/19/97; LR 970017553; Stafford County, Virginia Circuit Court

(a copy of said deed is attached hereto, marked as Exhibit "G" and made a part hereof).

49. The general warranty deed in connection with the 11/19/97 real estate transfer was executed by defendant Roberts as attorney in fact for Otilia S. Jensen, manager of the debtor.
50. At the time of the 11/19/97 real estate transfer, said real estate was unencumbered and

had a tax assessed value of one hundred fifty thousand and 00/100 dollars (\$150,000.00).

51. Defendant Hazelwood paid debtor Eighty-five thousand and 00/100 (\$85,000.00) in exchange for the transfer of said real estate.
52. Upon information and belief, on the same day the real estate was transferred to defendant Hazelwood, defendant Hazelwood sold the real estate to Harry D. Barham for one hundred and thirty thousand and 00/100 dollars (\$130,000.00).

CAUSES OF ACTION:

53. At all relevant times, defendant Roberts' actions and intent should be imputed to the debtor, in that he was acting in his capacity as agent and attorney in fact of the debtor.

First Cause of Action:

54. The foregoing allegations are repeated, realleged and incorporated herein.
55. The 12/6/98 real estate transfer from the debtor to defendant Roberts was made while the debtor was insolvent and for less than a reasonably equivalent value or caused the debtor to become insolvent and was made for less than a reasonably equivalent value. .
56. By reason of the foregoing, the said transfer is voidable pursuant to § 548(a)(2) of the Bankruptcy Code.

Second Cause of Action :

57. The foregoing allegations are repeated, realleged and incorporated herein.
58. The 12/6/98 real estate transfer from debtor to defendant Roberts was not upon consideration deemed valuable in law.
59. At the time of the transfer, debtor was insolvent or was rendered insolvent by said transfer.

60. Defendant Roberts did not give fair or valuable consideration in exchange for the transfer of assets, had knowledge of the fraudulent transfer, and knew of the voidability of the conveyance.
61. By reason of the foregoing, the said transfer is voidable pursuant to Virginia Code §55-81 and Bankruptcy Code §§544(b) and 550(a).

Third Cause of Action :

62. The foregoing allegations are repeated, realleged and incorporated herein.
63. The 12/6/98 real estate transfer from the debtor to defendant Roberts was made with actual intent to delay, hinder, or defraud the debtor's creditors.
64. By reason of the foregoing, the said transfer is voidable pursuant to § 548(a)(1) of the Bankruptcy Code.

Fourth Cause of Action:

65. The foregoing allegations are repeated, realleged and incorporated herein.
66. The 12/6/98 real estate transfer from debtor to defendant Roberts was made with intent to delay, hinder or defraud the debtor's creditors.
67. By reason of the foregoing, the said transfer is voidable pursuant to §55-80 of the Code of Virginia and §§ 544(b) and 550(a) of the Bankruptcy Code.

Fifth Cause of Action:

68. The foregoing allegations are repeated, realleged and incorporated herein.
69. Defendant Crown Manor did not give consideration deemed valuable in law in exchange for the subsequent conveyance of a portion of the 156.8910 acre parcel of real property by defendant Roberts, had notice of the fraudulent intent of defendant Roberts in



conveying the real property, and knew or should of known of the voidability of the conveyance.

70. By reason of the foregoing, such transfer is voidable pursuant to §§55-80 and 55-81 of the Code of Virginia and §§ 544(b) and 550(a) of the Bankruptcy Code.

Sixth Cause of Action:

71. The foregoing allegations are repeated, realleged and incorporated herein.
72. With respect to the subsequent conveyance of a portion of the 156.8910 acre parcel of real property by defendant Roberts to defendant Crown Manor, defendant Crown Manor did not take for value or in good faith, and knew or should of known of the voidability of the conveyance.
73. By reason of the foregoing, such transfer is voidable pursuant to §§ 548 and 550(a) of the Bankruptcy Code.

Seventh Cause of Action:

74. The foregoing allegations are repeated, realleged and incorporated herein.
75. The bank transfers from the debtor to defendant Roberts were made while the debtor was insolvent and for less than a reasonably equivalent value or caused the debtor to become insolvent and were made for less than a reasonably equivalent value.
76. By reason of the foregoing, the said transfers made within 1 year prepetition are voidable pursuant to § 548(a)(2) of the Bankruptcy Code.

Eighth Cause of Action :

77. The foregoing allegations are repeated, realleged and incorporated herein.
78. The bank transfers from the debtor to defendant Roberts were not upon consideration

deemed valuable in law.

79. At the time of the transfers, debtor was insolvent or was rendered insolvent by said transfers.
80. Defendant Roberts did not give fair consideration in exchange for the transfers, had knowledge of the fraudulent transfers, and knew of the voidability of the transfers.
81. By reason of the foregoing, the said transfers are voidable pursuant to Virginia Code §55-81 and Bankruptcy Code §§544(b) and 550(a).

Ninth Cause of Action :

82. The foregoing allegations are repeated, realleged and incorporated herein.
83. The bank transfers from the debtor to defendant Roberts were made with actual intent to delay, hinder, or defraud the debtor's creditors.
84. By reason of the foregoing, all such transfers made within one year prepetition are voidable pursuant to § 548(a)(1) of the Bankruptcy Code.

Tenth Cause of Action:

85. The foregoing allegations are repeated, realleged and incorporated herein.
86. The bank transfers from the debtor to defendant Roberts were made with intent to delay, hinder or defraud the debtor's creditors.
87. Defendant Roberts did not give fair or valuable consideration in exchange for the bank transfers, had notice of the fraudulent intent of debtor in making the transfers, and knew of the voidability of the transfers.
88. By reason of the foregoing, the said transfers are voidable pursuant to §55-80 of the Code of Virginia and §§ 544(b) and 550(a) of the Bankruptcy Code.

Eleventh Cause of Action:

89. The foregoing allegations are repeated, realleged and incorporated herein.
90. The November 19, 1997 real estate transfer from debtor to defendant Hazelwood was made with intent to delay, hinder or defraud the debtor's creditors.
91. Defendant Hazelwood did not give fair or valuable consideration in exchange for the 11/19/97 real estate transfer, had notice of the fraudulent intent of debtor in making the transfer, and knew or should have known of the voidability of the transfer.
92. By reason of the foregoing, the said transfer is voidable pursuant to §55-80 of the Code of Virginia and §§ 544(b) and 550(a) of the Bankruptcy Code.

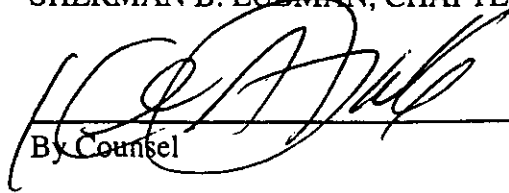
WHEREFORE, plaintiff respectfully prays that this Court:

- A. declare the December 6, 1998 real estate transfer, the Crown Manor real estate transfer, the bank transfers, and the November 19, 1997 real estate transfer by debtor to be null and void;
- B. order the return of all such property or the value thereof to plaintiff;
- C. order seizure of any funds or other tangible or intangible property held by defendant Roberts pending disposition of this case;
- D. enjoin any and all defendants in this case from disposing of, and/or committing waste with respect to, the real property which is a subject of this action;
- E. award plaintiff the costs of this action; and

F. award plaintiff such other and further relief as is just.

Dated: December 6, 1999

SHERMAN B. LUBMAN, CHAPTER 7 TRUSTEE

  
By Counsel

Kevin A. Lake (VSB # 34286)

LAKE & LAKE, P.C.

P.O. Box K-53

Richmond, VA 23288

(804) 282-9500

Counsel for Plaintiff, Sherman B. Lubman, Chapter 7 Trustee

C:\A-LAKE\BANKRUPT\CLIENTS\LUBMAN\CASES\EDGE\PLEADING\COMP2.D06

Exhibit A

LR 980024170



STAFFORD COUNTY CIRCUIT COURT

A298-10  
R298-04

### QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 6 day of December, 1998 (year),

by first party, Grantor, Edge Realty L.C.

whose post office address is P.O. Box 57, Milford, Virginia 22514

to second party, Grantee, Archie L. Roberts

whose post office address is 6232 Massaponax Church Road  
Fredericksburg, Virginia, 22407

WITNESSETH, That the said first party, for good consideration and for the sum of  
One-Hundred and no/cents Dollars (\$100.00) paid by the said second  
party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim  
unto the said second party forever, all the right, title, interest and claim which the said first party  
has in and to the following described parcel of land, and improvements and appurtenances there-  
to in the County of STAFFORD, State of VIRGINIA to wit:

ROCKHILL DISTRICT, STAFFORD COUNTY VA.

A. TYNÆ'S POINT SUB97 - 86

TAX MAP#18, PARCEL#21, ZONE A-1

TOTAL LOT AREA 148.6431 AC.  
STREET 8.2297 AC.  
SITE 156.8910 AC.

459 ROCK HILL CHURCH ROAD

#18 - 21 RH (.6535 ac.)

TOTAL AC. 157.5445  
1 SINGLE FAMILY HOME

(1) ATW

Rev. 5/96

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.



0 55926 20040 5

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IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

*Samantha M. Lee*  
Signature of Witness

*Otilia S. Jensen*  
Signature of First Party

SAMANTHA M. LEE  
Print name of Witness

OTILIA S. JENSEN/EDGE REALTY L.C.  
Print name of First Party

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of First Party

\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Print name of First Party

State of Virginia )  
County of Caroline  
On Dec. 9, 1998 before me,  
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

*Ann W. Jamell*  
Signature of Notary 5-31-02

Affiant \_\_\_\_\_ Known \_\_\_\_\_ Produced ID \_\_\_\_\_  
Type of ID License (Seal)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_  
On \_\_\_\_\_ before me,  
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary

Affiant \_\_\_\_\_ Known \_\_\_\_\_ Produced ID \_\_\_\_\_  
Type of ID \_\_\_\_\_ (Seal)

*Archie L. Roberts*  
Signature of Preparer

ARCHIE L. ROBERTS  
Print Name of Preparer

6232 MASSAPONAX CHURCH ROAD  
Address of Preparer  
FREDERICKSBURG, VIRGINIA 22407

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

COMMONWEALTH OF VIRGINIA,  
COUNTY OF STAFFORD TO-WIT:

IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE  
COUNTY OF STAFFORD, THE 10 DAY OF Dec, 19 98  
THE FOREGOING  deed WAS PRESENTED AND  
WITH THE CERTIFICATE ANNEXED ADMITTED TO RECORD AT 10:49  
AM AND INDEXED AFTER PAYMENT OF \$      TAX IMPOSED  
BY 58.1-800., ET. SEQ.

TESTE:

THOMAS MONCURE, JR., CLERK

*By: Brandon D. Denton, Jr.*

Exhibit B

PROQFED

29658

01640 120

RECEIVED JAN 14 1999  
12-10-98

Original to Archie L. Roberts  
on 12-10-98

### QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 6 day of DECEMBER, 1998 (year),

by first party, Grantor, EDGE REALTY L.C.

whose post office address is P.O. BOX 57, MILFORD, VIRGINIA 22514

to second party, Grantee, ARCHIE L. ROBERTS

whose post office address is 6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA 22407

WITNESSETH, That the said first party, for good consideration and for the sum of  
ONE-HUNDRED AND NO/CENTS Dollars (\$100.00 ) paid by the said second  
party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim  
unto the said second party forever, all the right, title, interest and claim which the said first party  
has in and to the following described parcel of land, and improvements and appurtenances there-  
to in the County of SPOTSYLVANIA, State of VIRGINIA to wit:

7116 TOWLES MILL ROAD

TAX MAP # 60-(A)-23A

1.92 AC.

1 SINGLE FAMILY HOME

(1) 2149

Rev. 6/98

If your state requires 8 1/4" x 11" forms, cut off the bottom of this page at the dotted line.



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01640 121

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

*Samantha M. Lee*  
Signature of Witness

SAMANTHA M. LEE  
Print name of Witness

Signature of Witness

Print name of Witness

*Otilia S. Jensen*  
Signature of First Party

EDGE REALTY L.C./  
OTILIA S. JENSEN  
Print name of First Party

Signature of First Party

Print name of First Party

State of Virginia )  
County of Caroline  
On Dec. 4, 1998 before me,  
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

*Ann W. James*  
Signature of Notary 5-31-02

State of )  
County of )  
On ) before me,  
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID  
Type of ID License (Seal)

*Archie L. Roberts*  
Signature of Preparer

ARCHIE L. ROBERTS  
Print Name of Preparer  
6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA, 22407  
Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

Virginia, Spotsylvania County, to-wit:  
In the Clerk's Office of the County and State aforesaid, the 10 day of Dec, 19 98, at 9:40 o'clock a M., the foregoing writing was presented and admitted to record, together with the annexed certificate of acknowledgment.  
The tax imposed by Section 58.54-1 in the amount of \$            has been paid  
Teste: *L. J. Johnson*, Clerk



Exhibit C

176 1122

985166

504 141 370

A298-19  
R298-04

## QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 6 day of DECEMBER, 1998 (year),  
by first party, Grantor, EDGE REALTY L.C.

whose post office address is P.O. BOX 57, MILFORD, VIRGINIA 22514

to second party, Grantee, ARCHIE L. ROBERTS

whose post office address is 6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA, 22407

WITNESSETH, That the said first party, for good consideration and for the sum of  
ONE-HUNDRED AND NO/CENTS Dollars (\$100.00 ) paid by the said second  
party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim  
unto the said second party forever, all the right, title, interest and claim which the said first party  
has in and to the following described parcel of land, and improvements and appurtenances there-  
to in the County of CAROLINE, State of VIRGINIA to wit:

DESCRIPTION: 11.52 AC. B. GREEN

TAX MAP # 43 - A -84

(1) 11/98

Rev. 6/98

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

THIS DEED IS VOID WITHOUT THE SIGNATURE OF THE GRANTOR AND THE SIGNATURE OF THE GRANTEE.



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11/98

001720

504 371

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Samantha M. Lee  
Signature of Witness

SAMANTHA M. LEE  
Print name of Witness

Signature of Witness

Print name of Witness

Otilia S. Jensen  
Signature of First Party

OTILIA S. JENSEN/EDGE REALTY L.C.  
Print name of First Party

Signature of First Party

Print name of First Party

State of Virginia  
County of Charles  
On Dec. 9, 1998 before me,  
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

Ann W. Jensen  
Signature of Notary 6-31-02

Affiant Knows Produced ID  
Type of ID Whisper  
(Seal)

State of Virginia  
County of Charles  
On Dec. 9, 1998 before me,  
appeared  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

Signature of Notary

Affiant Knows Produced ID  
Type of ID Whisper  
(Seal)

Signature of Preparer

ARCHIE L. ROBERTS  
Print Name of Preparer  
6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA 22407  
Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

VIRGINIA: In the Clerk's Office of the Circuit Court of Caroline County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 19th day of December, 19 98. The tax imposed by §58.1-802 of the Code has been paid in the amount of \$ 14.00.

Gayle Campbell  
Clerk

Exhibit D

ENC. 100

504 368

985165

A296-10  
R296-04

### QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 6 day of DECEMBER, 1998 (year),

by first party, Grantor, EDGE REALTY L.C.

whose post office address is P.O. BOX 57, MILFORD, VIRGINIA 22514

to second party, Grantee, ARCHIE L. ROBERTS

whose post office address is 6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA 22407

WITNESSETH, That the said first party, for good consideration and for the sum of  
ONE HUNDRED AND NO/CENTS Dollars (\$100.00) paid by the said second  
party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim  
unto the said second party forever, all the right, title, interest and claim which the said first party  
has in and to the following described parcel of land, and improvements and appurtenances there-  
to in the County of CAROLINE, State of VIRGINIA to wit:

CHURCH

TAX MAP#43D - A - 8

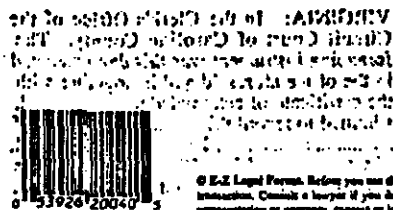
G.R. FARMER

STATE ROUTE 631

(1) and

Rev. 6/96

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.




AUD 504 JME 369

2011-10-10

2011-10-10

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written Signed, sealed and delivered in presence of:

  
Signature of Witness

SAMANTHA M. LEE  
Print name of Witness

  
Signature of First Party

OTILIE S. JENSEN/EDGE REALTY L.C.  
Print name of First Party

Signature of Witness

Signature of First Party

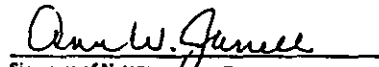
Print name of Witness

Print name of First Party

State of Virginia  
County of Caroline  
On Dec. 9, 1998

before me,

appeared  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

  
Signature of Notary 5-31-02

Affiant Known Produced ID  
Type of ID Notary Seal  
(Seal)

State of  
County of  
On

before me,

appeared  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID  
Type of ID  
(Seal)

  
Signature of Preparer

ARCHIE L. ROBERTS  
Print Name of Preparer  
6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA 22407  
Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

VIRGINIA: In the Clerk's Office of the Circuit Court of Caroline County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 10th day of December, 19 98. The tax imposed by §58.1-802 of the Code has been paid in the amount of \$ 4.10.

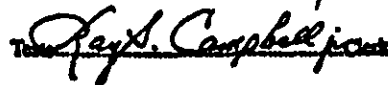
  
Treasurer

Exhibit E

VOL. 504 PAGE 366

985164

A298-10  
R298-04

## QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 6 day of DECEMBER, 1998 (year),

by first party, Grantor, EDGE REALTY L.C.

whose post office address is P.O.BOX57, MILFORD, VIRGINIA 22514

to second party, Grantee, ARCHIE L. ROBERTS

whose post office address is 6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA, 22407

WITNESSETH, That the said first party, for good consideration and for the sum of  
ONE- HUNDRED AND NO/ CENTS Dollars (\$ 100.00 ) paid by the said second  
party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim  
unto the said second party forever, all the right, title, interest and claim which the said first party  
has in and to the following described parcel of land, and improvements and appurtenances there-  
to in the County of CAROLINE, State of VIRGINIA to wit:

ICE HOUSE

MILFORD, VIRGINIA

LOT # 62 & PART OF#27 & PART OF#61  
LOCATED OFF OF STATE ROUTE # 722

TAX MAP# 53c-3-27a

504 367  
IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above  
written. Signed, sealed and delivered in presence of:

*Samantha M. Lee*  
Signature of Witness

SAMANTHA M. LEE  
Print name of Witness

Signature of Witness

Print name of Witness

*Otilia S. Jensen*  
Signature of First Party

EDGE REALTY L.C. / OTILIA S. JENSEN  
Print name of First Party

Signature of First Party

Print name of First Party

State of Virginia  
County of Carroll  
On Dec. 9, 1998

before me,

appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

*Anna W. Jensen*  
Signature of Notary 5-31-02

Affiant Known Produced ID  
Type of ID License  
(Seal)

State of  
County of  
On

before me,

appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID  
Type of ID  
(Seal)

*Archie L. Roberts*  
Signature of Preparer

ARCHIE L. ROBERTS  
Print Name of Preparer  
6232 MASSAPONAX CHURCH ROAD  
FREDERICKSBURG, VIRGINIA, 22407  
Address of Preparer

(2)  
If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

VIRGINIA: In the Clerk's Office of the  
Circuit Court of Caroline County. The  
foregoing instrument was this day presented  
in the office aforesaid and is, together with  
the certificate of acknowledgment annexed,  
admitted to record this 10th day of  
December, 1998 M.  
The tax imposed by §58.1-802 of the Code  
has been paid in the amount of \$ 0.10

*Ray S. Campbell*  
Treas.



EXHIBIT F

STAFFORD COUNTY CIRCUIT COURT

Grantees' Address:

5 Carriage Hill Drive  
Fredericksburg VA 22407

Consideration: \$405,000.00

~~Return to~~ / Prepared by:

Jarrell, Hicks, Sasser & McCarthy, P.C.

P.O. Box 127

Spotsylvania, VA 22553-0127

*Return to:*

NAGEOTTE, NAGEOTTE & NAGEOTTE

Attorneys at Law

385 Garrisonville Road, Suite 201

Stafford, Virginia 22554

TAX MAP NUMBER : 18 Parcel 21

**SPECIAL WARRANTY DEED**

THIS DEED, made and entered into this 27th day of April, 1999, by and between  
ARCHIE L. ROBERTS, Grantor; and CROWN MANOR, INC., Grantee.

**WITNESSETH:**

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid,  
and other good and valuable consideration, the receipt of which is hereby acknowledged,  
the Grantor does hereby grant, bargain, sell and convey unto the Grantee, with SPECIAL  
WARRANTY and all Virginia statutory covenants of title, in fee simple, the following  
described real estate, to-wit:

All that certain lot or parcel of land, with all rights and privileges  
thereto appurtenant, situate, lying or being in the Falmouth District of  
Stafford County, Virginia, and containing 210.056 acres, more or less, as  
described in the deed recorded in the Stafford County Circuit Court Clerk's  
office in Deed Book 726 at page 270; LESS AND EXCEPT: 45.3115  
acres as shown on Plat recorded in the aforesaid Clerk's office in Plat  
Book 20, pages 4-6; and further LESS AND EXCEPT: Parcels 21C  
and 21D, as shown on the plat recorded in the aforesaid Clerk's Office in  
Plat Book 23, pages 279-282; and further; LESS AND EXCEPT:  
that parcel shown as 0.6535 acre, TM#18-21RH (also known as 459 Rock Hill  
Church Road, Stafford County, Virginia), as shown on Quitclaim Deed recorded

1603  
103  
6-11-50  
2008-5  
10000  
12-22-00

in the aforesaid Clerk's office as LR 980024170.

The property conveyed hereby being further described as: A. Tynae's Point Sub 97-86, Tax Map #18, Parcel 21, Zone A-1, Total Lot Area 148.6431 acres, street 8.2297 acre, Site 156.8910 acres, being a portion of the Property acquired by the Grantor from Edge Realty, L.C. by deed dated December 6, 1998, and recorded in the aforesaid Clerk's office in LR 980024170.

This conveyance is made SUBJECT TO any and all easements of record.

Reference is hereby made to the aforementioned deed, plat and other instruments in the chain of title for a more particular description of the property herein conveyed.

WITNESS the following signatures and seals:


 (SEAL)  
ARCHIE L. ROBERTS

State of Virginia at Large

City/County of Spotsylvania, to-wit:

The foregoing instrument was this 27<sup>th</sup> day of April, 1999, duly acknowledged before me by ARCHIE L. ROBERTS, Grantor.

My commission expires: 11-30-99.

  
Notary Public

[SEAL]

JARRELL, HICKS, SASSER & MCCARTHY, P.C.  
ATTORNEYS AT LAW • P.O. BOX 127 • SPOTSYLVANIA, VIRGINIA 22553-0127



COMMONWEALTH OF VIRGINIA,  
COUNTY OF STAFFORD TO-WIT:

IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE  
COUNTY OF STAFFORD, THE 28 DAY OF April, 1999  
THE FOREGOING DEED WAS PRESENTED AND  
WITH THE CERTIFICATE ANNEXED ADMITTED TO RECORD AT 15:15  
PM AND INDEXED AFTER PAYMENT OF \$405.00 TAX IMPOSED  
BY 58.1-800., ET, SEQ.

TESTE:

THOMAS MONCURE, JR., CLERK

*Ray X. Adams*

Exhibit G

LR 970017553



STAFFORD COUNTY CIRCUIT COURT

Prepared By: Cawthorn, Picard & Rowe

THIS DEED, made this 18th day of November, 1997, by and between EDGE REALTY, L.C., a Virginia limited liability company, GRANTOR, and ERNEST L. HAZELWOOD, JR., GRANTEE.

WITNESSETH:

That for and in consideration of the sum of TEN (\$10.00) DOLLARS and other valuable consideration, the receipt whereof is hereby acknowledged, the Grantor hereby grants and conveys with GENERAL WARRANTY and English Covenants of Title, subject to the terms hereof, unto the Grantee, in fee simple, the following described real estate, to-wit:

THAT certain tract or parcel of real estate located in Hartwood District, Stafford County, Virginia, and being more particularly described as follows:

Commencing at a point designated by an iron pipe on the East side of State Route 17 on the line between the property of T.L. Watts and Curtis; thence North 50 degrees 44' 25" W. 92.25 feet to a point in the corner of the intersection of U.S. Route 17 and State Route 898; thence North 36 degrees 45' 45" E 177.78 feet in a straight line parallel to and 15 feet East of the center line of State Route 898 to an iron pipe in T.L. Watts' line; thence South 50 degrees 30' 45" E. 83.84 feet to an iron pipe in the line of the Curtis property; thence South 29 degrees 38' 40" W. 166.00 feet along the East side of an outlet from Spindle's property to State Route 17 to an iron pipe in Curtis' line; thence South 7 degrees 38' 40" W. 16.00 feet to the point of beginning, containing 0.306 acres as shown on plat of Edison L. Sullivan, C.L.S., dated December 23, 1968, referred to in the deed from Stafford Land Corporation, recorded in Deed Book 235, page 521.

BEING the same real estate conveyed to Edge Realty, L.C., a Virginia limited liability company, by deed from Earl H. Jensen and Otilia S. Jensen, husband and wife, dated February 2, 1995, recorded March 13, 1995, in the Clerk's Office, Circuit Court, Stafford County, Virginia, in Deed Book 1097, page 367.

This conveyance is made subject to those restrictions, conditions and easements of record to the extent that they may lawfully apply to the property hereby conveyed.

127.50  
42.50  
1.00  
16.00  
42.50  
42.50  
272.00

Plural shall be substituted for the singular and the singular for plural wherever  
the context hereof so requires.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed on its  
behalf pursuant to corporate authority and corporate resolution which has not been  
rescinded or modified.

EDGE REALTY, L.C.

a Virginia limited liability company

*Archie L. Roberts by Atty  
in fact & Attorney (Manager)*  
By: Edge Realty L.C. (SEAL)

Archie L. Roberts, Power of Attorney for  
Otilia Jensen, manager, of Edge Realty,  
L.C.

STATE OF VIRGINIA

COUNTY/CITY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of  
November, 1997, by EDGE REALTY, L.C., a Virginia limited liability company, by  
Archie L. Roberts, Power of Attorney for Otilia Jensen, manager, of Edge Realty, L.C.,  
acting herein, duly authorized.

*Angie E. Duff*  
Notary Public

My Commission Expires: 7/31/2000

GRANTEE'S ADDRESS:

Ernest Hazelwood  
c/o Weststar Investment.

COMMONWEALTH OF VIRGINIA,  
COUNTY OF STAFFORD TO-WIT:

IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE  
COUNTY OF STAFFORD, THE 19 DAY OF November, 1997  
THE FOREGOING DEED WAS PRESENTED AND  
WITH THE CERTIFICATE ANNEXED ADMITTED TO RECORD AT 11:36  
Am AND INDEXED AFTER PAYMENT OF \$ 95<sup>00</sup> TAX IMPOSED  
BY 68.1-800., ET. SEQ.

TESTE:

THOMAS MONCURE, JR., CLERK

By: *Michael S. Hurdick, Jr.*

Motion

for

Judgment

(Background)

Obiba Jensen

gave claim deeds attached

Obiba Jensen  
told  
she owed  
to  
(frqvd)  
by Archer Roberts

**VIRGINIA:**

**IN THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY**

**OTILIA S. JENSEN**

**and**

**THE EARL H. JENSEN TRUST  
BY OTILIA S. JENSEN, TRUSTEE**

**Plaintiffs**

**v.**

**Law No. \_\_\_\_\_**

**ARCHIE L. ROBERTS  
6232 Massaponax Church Road  
Fredericksburg, Virginia  
(Spotsylvania County)**

**ARCHIE L. ROBERTS  
HOME IMPROVEMENTS, INC.  
A Virginia Corporation  
Serve: Archie L. Robert  
Director in Dissolution  
6232 Massaponax Church Road  
Fredericksburg, Virginia**

**SAMANTHA LEE**

**Defendants**

**MOTION FOR JUDGMENT**

COME NOW the Plaintiffs, Otilia S. Jensen and The Earl H. Jensen Trust by Otilia S. Jensen, Trustee, by Counsel, and for their Motion for Judgment jointly and severally against the Defendants, on the grounds and in the amounts as hereinafter set forth, allege as follows:

1. Otilia S. Jensen is a resident of Caroline County, Virginia who is now 88 years of age. She was the wife of Earl H. Jensen, who died on September 18, 1995.

2. The Earl H. Jensen Trust is a Virginia trust that was created by Earl H. Jensen by trust agreement dated July 15, 1994 (the "Trust"). By the said agreement, Earl H. Jensen named his wife, Otilia S. Jensen, as Trustee and primary beneficiary. The Trust prohibited the Trustee from taking any part in any decision regarding discretionary distributions to such Trustee if such discretion was not subject to the ascertainable standard set forth therein requiring distributions to be necessary for the Trustee's health, education, maintenance or support.

3. Archie L. Roberts is an individual who resides at 6232 Massaponax Church Road, Fredericksburg, Virginia, which address is located in Spotsylvania County, Virginia.

4. A. L. Roberts Home Improvements, Inc. was a Virginia Corporation, (the "Corporation") owned and operated by Archie L. Roberts, who acted as its sole director and officer. The Corporation was dissolved by the Virginia State Corporation Commission on or about \_\_\_\_\_, thereby leaving Archie L. Roberts as its director in dissolution.

5. Samantha Lee is an individual who resides at \_\_\_\_\_.

6. Edge Realty, L.C. is a Virginia Limited Liability Company, (the "LLC") which was formed on or about July 15, 1994 by Earl H. Jensen and Otilia S. Jensen. Earl H. Jensen owned a 44.6% interest in the LLC, (which interest became vested in the Trust by operation of the Will of Earl H. Jensen at the time of his death), and Otilia S. Jensen owned a 44.6% interest in Edge Realty, L.C. The remaining interests in the LLC had been gifted by Earl H. Jensen and Otilia S. Jensen shortly after its creation, and are now owned by other Jensen family members and one Mary Ann Roberts.

7. Following the creation of the LLC, Earl H. Jensen and Otilia S. Jensen transferred and conveyed real and personal properties owned by them to the LLC, which properties had substantial value, estimated to be in excess of ONE MILLION SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,600,000.00) at that time.

8. On or about September 18, 1995 Earl H. Jensen died. His will was probated in Will Book 57, Page 386, in Caroline County Circuit Court.

9. By his Will, Earl H. Jensen left his personal property and residence to his wife, Otilia S. Jensen, and gave the residue of his real and personal property to the Trust, to be held under the terms of the Trust Agreement at the time of his death.

10. The death of Earl H. Jensen left Otilia S. Jensen as the manager of the LLC, pursuant to the terms of the LLC Agreement.

11. During the last few months of 1996, Otilia S. Jensen became acquainted with the Defendant, Archie L. Roberts, and engaged him and his company, Archie L. Roberts Home Improvements, Inc., to perform construction and repair work on her personal residence and some of the real properties owned by Edge Realty, L.C.

12. Plaintiff, at all times relevant hereto, was of advanced age, and by reason thereof, Plaintiff was incapacitated from conducting her business.

13. Defendant Roberts, knowing of Plaintiff's advanced age and incapacity, and desiring to take advantage thereof for the purpose of defrauding Plaintiff, represented to Plaintiff that he could help her manage her personal and business affairs. Defendant Roberts advised Plaintiff to terminate the employment of all attorneys and accountants she had engaged to represent her, the Trust, or the LLC, and to engage him to perform all services for her in the future.



14. Defendant Roberts then procured and caused Plaintiff to execute numerous instruments in writing, in the form of written powers of attorney, management/consultant agreements, a trust maintenance agreement for the Earl H. Jensen Revocable Trust, and management agreements for the LLC, all granting the Defendant Roberts the authority to act on Plaintiff, Otilia S. Jensen's, behalf as her sole agent and fiduciary.

15. Under Defendant Roberts' control and influence, Plaintiff Otilia S. Jensen delivered to Roberts all of her personal books and papers, all books and papers related to the Trust, and all books and papers for the LLC.

16. Upon information and belief, on or about March 16, 1998, the Defendant Roberts and the Defendant Lee met with an attorney, Mr. Paul Simpson, for the purpose of having him draw a Petition for Appointment of Successor Trustee of the Earl H. Jensen Trust.

17. The petition was drawn and filed with the Circuit Court of Caroline County, Virginia, seeking the appointment of Archie L. Roberts as Successor Trustee on the Earl H. Jensen Trust.

18. An Answer to The Petition for Appointment of Successor Trustee was filed by Robert Earl Jensen, son of Otilia S. Jensen, requesting the court to investigate the allegations of the Petition and to inquire into the qualifications and propriety of Archie L. Roberts serving as a Successor Trustee of the Earl Jensen Trust. After the filing of this answer, the Petition for Appointment of Successor Trustee was withdrawn.

19. Shortly after the Petition for Appointment was withdrawn, and unknown to Otilia S. Jensen at all relevant times hereto, on or about November 8, 1998, Caroline

County issued a stop work order on one of the properties belonging to the LLC in Caroline County, Virginia, on which Defendant Roberts and Defendant Corporation had contracted to perform work.

20. On or about \_\_\_\_\_, A. L. Roberts Home Improvements, Inc. was terminated by the State Corporation Commission.

21. Defendant Roberts, at various times during his dealings with Plaintiff Otilia S. Jensen, and in order to effect his fraudulent purposes, falsely represented to Jensen that she and the LLC owed substantial sums of money for taxes and other liabilities; that as a part of his helping her to manage her personal and business affairs he needed her to execute various documents giving him authority to act on her behalf; and that he needed her to execute various documents conveying the property of Otilia S. Jensen, the LLC, and the Trust, or any of them, to himself and others.

22. These representations made by Defendant Roberts were false, were known by Defendant Roberts to be false, and were made maliciously and with the intent to deceive the Plaintiff.

23. These representations made by Defendant Roberts were relied upon by the Plaintiff Otilia S. Jensen to her detriment, and the detriment of others.

24. By virtue of the powers of attorney obtained by Roberts from Otilia S. Jensen, individually, and on behalf of the LLC, Archie L. Roberts held a fiduciary relationship to Otilia S. Jensen, the Trust, and the LLC and had a fiduciary obligation to manage and invest his principals' assets in accordance with the provisions of the operative agreements, and in accordance with the prudent man standard, to keep and render to his principals an account of money or other things that he had received or paid

out on behalf of his principals, and to avoid any and all self-dealing and conflicts of interest with Otilia S. Jensen, the Trust, and the LLC.

25. Defendant Roberts, by virtue of his confidential relationship with Plaintiff Otilia S. Jensen, and under the powers granted to him as an attorney-in-fact, obtained signature authority on the bank accounts of Otilia S. Jensen and the LLC and opened new joint bank accounts with Otilia S. Jensen and the LLC on which he had signature authority, allowing him to make withdrawals from such accounts.

26. Defendant Roberts, in breach of his fiduciary relationship with Plaintiffs, in breach of his agreements with Plaintiffs, in breach of the operative provisions of the agreement creating the Trust, and in violation of all trust placed in him, wrote checks to himself and his company from the accounts for Otilia S. Jensen, and failed or refused to give any accounting to Plaintiffs for his self-serving transactions.

27. Relying upon Defendant Roberts' false representations, Plaintiff Otilia S. Jensen executed various instruments transferring properties from herself and the Trust, or either of them, to Defendant Roberts.

28. The Defendant Archie L. Roberts, together with Samantha Lee, had contacted Paul Simpson to have Archie L. Roberts appointed as Trustee of the Earl H. Jensen Trust.

29. The Defendant Archie L. Roberts and Samantha Lee conspired to defraud the Plaintiff Otilia S. Jensen and the Trust.

30. Archie L Roberts represented to the Plaintiff Otilia S. Jensen and to the Circuit Court of Caroline County that he was duly qualified to be appointed as Trustee of the Trust and that he was familiar with its terms and conditions and would act in

accordance with the terms of the Trust, having filed with the Court a Petition for Appointment as Successor Trustee.

31. These representations were false, were known to be false, and were made as a part of the scheme to defraud the Plaintiffs.

32. Defendant Roberts and Lee, in order to further effect their fraudulent purposes, falsely represented to Plaintiff that she needed to execute a number of deeds for properties owned by the LLC to transfer these properties to the Defendant Roberts, which deeds they represented were necessary to Defendant Roberts helping the Plaintiff Otilia S. Jensen to manage her affairs and those of the Trust, and that these conveyances would not exclude any of Plaintiff Otilia S. Jensen's family members from their share of the Trust or from their share of the LLC.

33. The aforesaid deeds were all prepared by Defendant Roberts and witnessed by Defendant Lee, the same parties who had attempted to have Defendant Roberts appointed as Successor Trustee on the Trust.

34. Plaintiff, because of her age and disabilities, believed Defendants' representations to be true, and relying thereon, granted the Defendant Roberts the aforesaid authority and signed the aforesaid instruments, acknowledged the same, and delivered them to Defendant Roberts.

35. On or about April 27, 1999, by special warranty deed, Defendant Roberts conveyed one of the parcels of real estate he had fraudulently procured upon Plaintiff Otilia S. Jensen's signature from the LLC to Crown Manor, Inc. for the sum of \$405,000.00, with said deed being recorded in the Stafford County, Virginia Circuit Court Clerk's Office as Instrument Number LR 990008932.

36. Although the consideration paid for the Crown Manor real estate transfer was less than the value of the property, Defendant Roberts personally received substantial sums upon sale of the property.

37. No consideration whatsoever passed from Defendant Roberts to Plaintiff Otilia S. Jensen, the Trust or its beneficiaries, or to the LLC or any members of the LLC following sale of the Crown Manor property, or for any other property transferred to Defendant Roberts, or managed by Defendant Roberts.

38. As a result of the fraudulent actions of the Defendants, the LLC was made insolvent, and the Plaintiff Otilia S. Jensen was advised and caused to file an involuntary petition in bankruptcy against the LLC with the expectation that a bankruptcy trustee would be able to recover assets for the bankruptcy estate of the LLC under the fraudulent conveyances provisions of the Bankruptcy Code. The costs of this proceeding have been borne entirely by the Plaintiff, Otilia S. Jensen, and were caused by the fraudulent acts of the Defendants.

39. Defendant Roberts had a duty in his relations with Plaintiff to act as her fiduciary, and to exercise the judgment, care, skill, prudence and diligence that a prudent person familiar with such matters would exercise under the circumstances, and not to act in his own self-interest in complete violation of such duties.

40. Defendant Roberts convinced Plaintiff Otilia Jensen to invest the sum of \$40,000.00 in two vans which he titled in his own name for the stated purpose of a van pool business which Defendant Roberts stated was to derive income for Plaintiff and her beneficiaries. Defendant Roberts failed to account for any business activity of such business, never paid any sum of money to Plaintiff from such business, and refused to

pay for the vehicles or to return possession and titles to the vehicles to Plaintiff upon demand.

Count I - Fraud

Count II -Breach of Contract

Count III - Breach of Fiduciary Duties

Count IV – Conversion

**LAKE & LAKE, P.C.**  
**ATTORNEYS AND COUNSELLORS AT LAW**

FOREST OFFICE PARK  
SUITE 206 - JEFFERSON BUILDING  
8100 THREE CHOPT ROAD  
RICHMOND, VIRGINIA 23229  
TELEPHONE: (804) 282-9500

**FACSIMILE:**  
(804) 282-5282

**MAILING ADDRESS:**  
P.O. BOX K-53  
RICHMOND, VIRGINIA 23288

**FACSIMILE COVERSHEET**

**DATE:** October 26, 2005

**TO:** Robert B. Easterling, Esquire

**FIRM:**

**FROM:** Kevin A. Lake, Esquire

**FAX NUMBER TO BE CALLED:** 540-373-5234

**PHONE NUMBER OF RECEIVING PARTY:**

**RE:** Edge Realty, L.L.C.; Bankruptcy Case No.: 99-34405

**TIME OF FIRST TRANSMISSION ATTEMPT:** 4:10 p.m.

**NUMBER OF PAGES INCLUDING COVERSHEET:** 7

**ADDITIONAL INFORMATION:**

The information included in this transmission is intended for the addressee only. It should be considered part of the Attorney/Client Privilege, and must be kept confidential. If you receive this transmission in error, you should contact the sender and immediately destroy the documents received in error.

**PLEASE DELIVER THIS TRANSMISSION IMMEDIATELY**

**LAKE & LAKE, P.C.**  
**ATTORNEYS AND COUNSELLORS AT LAW**

FOREST OFFICE PARK  
#100 THREE CHOPT ROAD, SUITE 206  
RICHMOND, VIRGINIA 23229  
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www.lakelakelaw.com

KEVIN A. LAKE  
MARY F. BALTHASAR LAKE

MAILING ADDRESS:  
P.O. BOX K-53  
RICHMOND, VIRGINIA 23288

October 26, 2005

**VIA FACSIMILE ONLY**

Robert B. Easterling, Esquire  
2217 Princess Anne Street, #100-2  
Fredericksburg, Virginia 22401  
FACSIMILE: 540-373-5234

Re: *Edge Realty, L.L.C.*; Bankruptcy Case No.: 99-34405

Dear Bob:

Per my telephone conversation with your assistant, please find faxed herewith a list of properties administered by the trustee in the above-captioned case.

I would greatly appreciate Ms. Jensen providing me with the debtor's tax basis for each of the properties so that same can be provided to the trustee's accountant.

Also, when you have a chance, please call me to discuss whether Ms. Jensen has any interest in purchasing the judgment that the trustee has against Archie Roberts and/or others.

For your information, the disposition of the judgments and the estate tax returns are among the last items to be dealt with before distributions can be made in the case.

Thank you for your attention to these matters.

Very truly yours,

  
Kevin A. Lake

KAL/mm

cc: Sherman B. Lubman, Chapter 7 Trustee (via fax only)



**EXHIBIT A**

***(Properties in Caroline County, Virginia: PAGE 1 OF 3)***

**PARCEL 1**

ALL those certain lots or parcels of land lying and being in Bowling Green Magisterial District, Caroline County, Virginia, located at or near Milford on the southeast side of Route 722 northeast of the intersection of Route 722 and Healy Street, and more particularly described as Lot 62 and the western portion of Lot 61, Meadow View Subdivision, on a plat of survey by M.C. Baker dated July 30, 1956 and recorded in the Clerk's Office of the Circuit Court of Caroline County, Virginia, in Deed Book 142, page 373, and containing two hundred eight-nine thousands (0.289) acre, more or less.

AND

ALL that certain lot or parcel of land lying and being in Bowling Green Magisterial District, Caroline County, Virginia, located on the northwest side of a fifteen (15) foot alley which borders the northwest side of the above-described property, and more particularly described as a part of Lot 27, Meadow View Subdivision, on said plat.

BEING the same real estate conveyed to Earl H. Jensen from Donald J. Pitts and Aileen W. Pitts, husband and wife, and Gary H. Watts and Joyce P. Watts, husband and wife by Deed dated July 20, 1989 and recorded in the aforesaid Clerk's Office, Circuit Court, Caroline County, Virginia in Deed Book 342, page 583.

ALSO KNOWN AS:

ICE HOUSE  
MILFORD, VIRGINIA  
LOT #62 & PART OF #27 & PART OF #61  
LOCATED OFF OF STATE ROUTE # 772  
TAX MAP# 53c-3-27a

TOGETHER WITH all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of property.

BEING the same real estate conveyed to Archie L. Roberts from Edge Realty, L.C./Otilia Jensen, by Quitclaim Deed dated December 6, 1998 and recorded in the aforesaid Clerk's Office at Deed Book 504, Page 366.

**EXHIBIT A**

*(Properties in Caroline County, Virginia: PAGE 2 OF 3)*

**PARCEL 2**

ALL that certain tract, piece or parcel of land, together with the appurtenances thereto belonging or in anywise thereunto appertaining, lying, being, and situate in Bowling Green Magisterial District, Caroline County, Virginia, containing 13.520 acres, more or less, South of the Town of Bowling Green, and more particularly described on a plat of survey by Robert L. Downing, Surveyor, dated July 7, 1972, recorded in the Clerk's Office of the Circuit Court of Caroline County, Virginia, in Deed Book 194 at Page 221, reference to which plat is hereby made for a more particular description of the land herein conveyed.

LESS AND EXCEPT 2.000 acres conveyed to Keith D. Byers and Catherine J. Byers, by deed recorded in Deed Book 401, page 273 in the Clerk's Office, Circuit Court, Caroline County, Virginia.

TOGETHER with an easement over lands of Maury Heights Corporation in Green Acres Subdivision, designated on plat as 50' R/W, extending approximately 195 feet, subject to a reservation of common use by Maury Heights Corporation.

BEING the same real estate conveyed to Earl Jensen from Robert L. Marrero, Trustee in Bankruptcy by Deed dated April 3, 1990 and recorded in the aforesaid Clerk's Office in Deed Book 354, page 528.

ALSO KNOWN AS:

11.52 AC. B. Green  
TAX MAP # 43-A-84

TOGETHER WITH all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of property.

BEING the same real estate conveyed to Archie L. Roberts from Edge Realty, L.C./Otilia Jensen, by Quitclaim Deed dated December 6, 1998 and recorded in the aforesaid Clerk's Office at Deed Book 504, Page 370.

**EXHIBIT A**

*(Properties in Caroline County, Virginia: PAGE 3 OF 3)*

**PARCEL 3**

ALL that certain piece or parcel of land, with all improvements thereon, lying, being and situate in Bowling Green Magisterial District, Caroline County, Virginia, on Route 631, adjoining the lands formerly owned by G. R. Farmer and Lelia T. Pitts containing in area six-tenths (.6) of an acre, more or less, and being more definitely and particularly described on a plat or survey made by John R. Wigglesworth, Certified Land Surveyor, under date of December 9, 1949, which said plat is duly recorded in the Clerk's Office of the Circuit Court of Caroline County, Virginia, in Deed Book 130, page 412.

BEING the same property conveyed to Earl H. Jensen by deed of Mark Lipscomb and Sylvia Lipscomb, dated September 28, 1988, and recorded in the Clerk's Office of the Circuit Court of Caroline County, Virginia, in Deed Book 329, at page 185.

ALSO KNOWN AS:

CHURCH  
TAX MAP#43D - A - 8  
G.R. FARMER  
STATE ROUTE 631

TOGETHER WITH all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of property.

BEING the same real estate conveyed to Archie L. Roberts from Edge Realty, L.C./Otilia Jensen, by Quitclaim Deed dated December 6, 1998 and recorded in the aforesaid Clerk's Office at Deed Book 504, Page 368.

**EXHIBIT B**

***(Properties in Spotsylvania County, Virginia: PAGE 1 OF 1)***

ALL that certain tract or parcel of land, with all improvements thereon, situate, lying and being in Berkeley Magisterial District, Spotsylvania County, Virginia, on the West side of State Route 656, containing 3.133 acres, more or less, and described as "3.133 Acres" on that certain "Plat of Survey Located in Berkeley Magisterial District, Spotsylvania County, Virginia, Surveyed for Kenneth R. Duerden," made by R. Wayne Farmer, C.L.S., dated September 7, 1971, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia in Deed Book 287, page 509:

LESS AND EXCEPT that portion conveyed to Creegan by deed recorded in Deed Book 526, page 213.

LESS AND EXCEPT that portion conveyed to the Commonwealth of Virginia by deed dated February 13, 1981, and recorded in Deed Book 526, page 213.

SUCH tract now said to contain 1.92 Acres, more or less.

BEING a portion of the same property conveyed to Earl H. Jensen and Otilia S. Jensen, by deed of Mid-State Homes, Incorporated, dated November 30, 1972, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 309, at page 85, and by deed from T. C. Catlett dated May 3, 1973, recorded in Deed Book 317, page 86.

ALSO KNOWN AS:

7116 TOWLES MILL ROAD  
TAX MAP # 60-(A)-23A  
1.92 AC.  
1 SINGLE FAMILY HOME

TOGETHER WITH all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of property.

BEING the same property conveyed to Archie L. Roberts, by Quitclaim Deed from Edge Realty, L.C./Otilia Jensen, dated December 6, 1998, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 1640, at page 120.

**EXHIBIT C**

*(Properties in Stafford County, Virginia: PAGE 1 OF 1)*

459 Rockhill Church Road, Stafford County, Virginia

(#18-21 RH, 0.6535 acres)

pursuant to a Quitclaim Deed recorded as LR 980024170 among the land records of Stafford County, Virginia.

TOGETHER WITH all the improvements now or hereafter erected on the property and all easements, appurtenances, and fixtures now or hereafter a part of property.

BEING a portion of the same real estate conveyed to Archie L. Roberts from Edge Realty, L.C./Otilia Jensen, by Quitclaim Deed dated December 6, 1998, and recorded in the aforesaid Clerk's Office in LR 980024170.

UNITED STATES BANKRUPTCY COURT  
Eastern District of Virginia  
Richmond Division

In re: EDGE REALTY, L.C.

CHAPTER 7

CASE NO. 99-34405-BNS  
ADV. PRO. NO. 99-3197-BNS

SHFRMAN B. LUBMAN,  
Trustee in Bankruptcy of Edge Realty, L.C. *Plaintiff,*

v.

EDGE REALTY, L.C., Debtor,

ARCHIE L. ROBERTS,

CROWN MANOR, INC. *and*

ERNEST L. HAZELWOOD JR., *Defendants.*

**MOTION FOR PRETRIAL ATTACHMENT AND SEIZURE OF PROPERTY AND/OR  
PRELIMINARY INJUNCTION, MEMORANDUM IN SUPPORT THEREOF, AND  
NOTICE OF MOTION AND HEARING**

Sherman B. Lubman, Trustee in Bankruptcy of Edge Realty, L.C. ("Trustee"), by counsel, pursuant to Fed. R. Bankr. P. 7064 and 7065, hereby moves the Court, for the purpose of securing satisfaction of judgment to be entered in this matter, for entry of an Order providing for attachment and seizure of certain assets of defendant Archie L. Roberts ("Roberts") and/or a preliminary injunction preventing Roberts from transferring, disposing of, removing, absconding with, or encumbering same, and in support thereof, states as follows:

---

Kevin A. Lake, VSB #34286  
Mary F. Balthasar-Lake, VSB #34899  
LAKE & LAKE, P.C.  
P.O. Box K-53  
Richmond, Virginia 23288  
(804) 282-9500

Counsel for Sherman B. Lubman, Chapter 7 Trustee

sold one of the parcels of real estate to defendant Crown Manor, Inc. for \$405,000.00 ("sale proceeds");

- e. He transferred a portion of the sale proceeds to his brother, who lives outside the Commonwealth of Virginia, and to his mother, who lives outside the Commonwealth of Virginia; and
- f. He used a portion of the sale proceeds to, among other things, pay down the mortgage on his real estate located at 6232 Massaponox Church Road, Fredericksburg, Virginia 22407 ("Roberts' residence"), to pay for various improvements to Roberts' residence, and to purchase six vans which he has titled in his name and presently uses in a "van pool" business which he owns and operates.

- 8. The make, model, year, and vehicle identification number of each of the vans referenced in paragraph 7 (c), above, are contained in Exhibit A, attached hereto and incorporated herein by reference.

PRETRIAL ATTACHMENT AND/OR SEIZURE

- 9. Fed. R. Bankr. P. 7064 incorporates Fed. R. Civ. P. 64 and provides that all remedies providing for attachment or seizure of property for the purpose of securing satisfaction of the judgment are available "under the circumstances and in the manner provided by the law of the state in which the district court is held, existing at the time the remedy is sought."
- 10. Virginia Code §8.01-534 establishes the grounds of an action for pretrial levy, seizure or attachment under this state's laws.

16. Harm to Roberts occasioned by an injunction preventing him from converting, removing, disposing of, absconding with, or encumbering his assets, if any, is far outweighed by the harm the Trustee and the bankruptcy estate would suffer if such assets were unavailable when it comes time to enforce and satisfy his judgment.
17. Roberts' own deposition testimony establishes that there is a strong or substantial likelihood or probability of success on the merits by the Trustee, in that he admitted that he gave no consideration in exchange for the several parcels of real estate transferred by debtor to him on or about December 6, 1998 and that such transfer rendered the debtor insolvent.
18. The public interest favors the granting of an injunction because it will permit the trustee to preserve assets that may be liquidated for the benefit of creditors of the bankruptcy estate.

WHEREFORE, the plaintiff, Sherman B. Lubman, Chapter 7 Trustee, respectfully requests that the Court do the following:

- a. Grant attachment specifically against defendant Roberts' residence;
- b. Grant attachment specifically against all motor vehicles titled in Roberts' name or the name of any business wholly owned by Roberts and order that an officer seize and take possession of same;
- c. Grant attachment against Roberts' other assets, be they comprised of real or personal property, wherever within the Commonwealth of Virginia that they might be found, sufficient to secure a judgment against Roberts in the amount of at least \$405,000.00 plus interest, attorney's fees, and costs expended herein,



3. *You must also attend a hearing scheduled to be held on DECEMBER 13, 2000, at 10:30 A.M. in the U.S. Bankruptcy Court, Richmond Division, U.S. Courthouse Annex, 1100 East Main Street, Richmond, Virginia 23219, in Room 335.*

If you or your attorney do not take these steps, the court may deem any opposition waived or decide that you do not oppose the relief sought in the motion, and may enter an order granting that relief without further notice or hearing.

SHERMAN B. LUBMAN,  
CHAPTER 7 TRUSTEE

By: 

Of Counsel

Kevin A. Lake, VSB #34286  
LAKE & LAKE, P.C.  
P.O. Box K-53  
Richmond, Virginia 23288  
(804) 282-9500

Counsel for Sherman B. Lubman, Chapter 7 Trustee  
C:\A-LAKE\BANKRUPT\CLIENTS\LUBMAN\CASES\EDGE\PLEADING\ATTACHME.MOT

### CERTIFICATE OF SERVICE

Pursuant to the Local Rules of this Court, I certify that on November 22, 2000, I caused to be hand delivered or mailed, first class, postage prepaid, a true and exact copy of the foregoing Motion and Notice of Motion and Notice of Hearing to the following:

Gregg Nivala, Assistant U.S. Trustee  
Office of the U.S. Trustee  
The Shockoe Center Building  
11 South 12th Street, Suite 224  
Richmond, Virginia 23219

Louis S. Nuzzo, Esquire  
10826 Courthouse Road  
Fredericksburg, Virginia 22408

Edge Realty, L.C.  
c/o Gary M. Nuckols, Esquire  
1011 Charles Street  
Fredericksburg, Virginia 22401

EXHIBIT A

A. Commonwealth of Virginia Vehicle Title Transcripts.



TRANSCRIPT OF OFFICIAL CERTIFIED VEHICLE RECORD AS OF 04/12/2000  
BY RICHARD D. HOLCOMB, COMMISSIONER PAGE: 1

REQUESTED BY:  
ROBERTS, ARCHIE LEE  
6232 MASSAPONAX CHURCH RD  
FREDERICKSBURG VA 22407-8710

RSN FOR REQ: PERSONAL PROPERTY TAX COI

USER ID: DMVDKH  
LOC: 634

INFORMATION PROVIDED BY REQUESTOR: JHMBA3146HC029715

VEHICLE OWNER(S) - NAME/ADDRESS:  
ROBERTS, ARCHIE LEE  
6232 MASSAPONAX CHURCH RD  
FREDERICKSBURG VA 224078710

CUSTOMER NUMBER:  
264-85-9442

VEHICLE TITLE INFORMATION:

TITLE NO: 70693685  
TITLE EST DT: 02/02/1999  
PURCHASE DT: 02/02/1998  
VEHICLE YEAR: 1987  
EMPTY/GROSS WGT: 2,337  
ODOMETER: 146,937  
SALES PRICE:  
DLR PROC:  
DISPOSITION: SOLD  
NTIC CHECKED: NO  
DEALER: INDIVIDUAL  
CURRENT VCO: RED/  
ORIGINAL VCO: RED/

VEHICLE MAKE: HONDA  
BODY TYPE: 2D SDN  
MODEL:  
VIN: JHMBA3146HC029715  
GVWR/GCWR:  
ODOMETER TYPE: ACTUAL MILEAGE  
SALES TAX PD:  
PROC TAX:  
DISPOSITION DT: 06/01/1999  
STOLEN REPORT: NO

VEHICLE REGISTRATION INFORMATION:  
NO CURRENT REGISTRATION INFORMATION ON FILE

PRIOR PLATE#: YWN4294

PRIOR PLATE TYP: PASSENGER

OTHER VEHICLE INFORMATION: NONE ON FILE

NO ADDITIONAL OWNER ADDRESS INFORMATION AVAILABLE

PLEASE NOTE: IT IS UNLAWFUL TO USE THE INFORMATION FURNISHED ON  
THIS TRANSCRIPT FOR ANY PURPOSE OTHER THAN THAT STATED AS YOUR  
REASON.

THIS ENDS TRANSMISSION.

TIQCUSP1

\*\*\*\*\* Vehicles Currently Owned By Customer \*\*\*\*\*

6340269001

09/25/2000 4:48pm

Wrk Dt 09/25/2000

CRT 634014

Act: I (C,I)

Cust#: 264859442 Nm: I / ROBERTS, ARCHIE, LEE

Beg Ttl#: \_\_\_\_\_

A. Make: DODGE	Body: VAN	Yr: 1998 Plt#: YUH3793
VIN: 2B5WB35Y8WK150409	#Owners: 1	Plt Typ: PASSENGER
Ttl#: 70699710	#Liens: 0	Plt Exp: 05/31/01
Gar Juris: SPOTSYLVANIA		Plt Status: RENEWAL
B. Make: HOMEMADE	Body: TRL	-Yr: 1992 Plt#: UT68624
VIN: VA225298TR	#Owners: 2	Plt Typ: TRAILER PRIVATE
Ttl#: 46687884	#Liens: 0	Plt Exp: 02/28/01
Gar Juris: SPOTSYLVANIA		Plt Status: RENEWAL
C. Make: DODGE	Body: VAN	Yr: 1996 Plt#: H63035
VIN: 2B5WB35Z5TK165311	#Owners: 1	Plt Typ: PASSENGER
Ttl#: 70696909	#Liens: 0	Plt Exp: 03/31/02
Gar Juris: SPOTSYLVANIA		Plt Status: RENEWAL

Enter Choice:

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---

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\*\*\*\*\* THERE MAY BE MORE RECORDS TO DISPLAY - PRESS PF8 TO SCROLL FORWARD

MOCUSP1

\*\*\*\*\* Vehicles Currently Owned by Customer \*\*\*\*\*

6340269001

09/25/2000 4:48pm

Wk Dt 09/25/2000

CRT 634014

ACC: I (C, I)

Cust#: 264859442 Nm: I / ROBERTS, ARCHIE, LEE

A. Make: CHEVROLET

Body: TRUCK

Yr: 1979 Plt#: TS90293

VIN: CPT3593321966

#Owners: 1

Plt Typ: TRUCK PRIVATE

Ttl#: 70647848

#Liens: 0

Plt Exp: 02/29/00

Gar Juris: SPOTSYLVANIA

Plt Status: RENEWAL

B. Make: DODGE

Body: PICKUP

Yr: 1990 Plt#: ZGA9927

VIN: 3B7HM13Y2LM033789

#Owners: 1

Plt Typ: PASSENGER

Ttl#: 70646101

#Liens: 0

Plt Exp: 01/31/01

Gar Juris: SPOTSYLVANIA

Plt Status: RENEWAL

C. Make: DODGE

Body: VAN

Yr: 1996 Plt#: ZCB4103

VIN: 2B5WB35Z2TK176542

#Owners: 1

Plt Typ: PASSENGER

Ttl#: 70673621

#Liens: 0

Plt Exp: 01/31/01

Gar Juris: SPOTSYLVANIA

Plt Status: RENEWAL

Enter Choice:

Enter-PF1---PF2---PF3---PF4---PF5 --PF6---PF7---PF8---PF9---PF10--PF11--PF12---

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ford notes

main

\*M5067 END OF INQUIRY